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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	86366618
Applicant	Abbott Law Chartered
Applied for Mark	BATTLEBORNIP.COM
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Serial No: 86366618  
Mark: battlebornip.com  
Applicant: Abbott Law Chartered  
Examining Attorney: Lauren E. Burke, Law Office 106

**EX PARTE APPEAL**

**APPLICANT'S BRIEF**

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COMES NOW, the Applicant, Abbott Law Chartered, by Counsel, and hereby respectfully appeals the Examining Attorney's refusal to register the mark BATTLEBORNIP.COM.

## **DESCRIPTION OF THE RECORD**

### **A. PROSECUTION HISTORY**

The BATTLEBORNIP.COM Application ("Application") was initially refused on December 2, 2014 in a non-final Office Action based on the Trademark Act Section 2d, 15 U.S.C. § 1062(b). Applicant filed a response to the Office Action on February 6, 2015. On March 30, 2015, the Examining Attorney issued a final Office Action. Applicant filed a Notice of Appeal on September 28, 2015.

### **B. EXAMINING ATTORNEY'S EVIDENCE**

#### **December 2, 2014 Office Action**

1. BATTLE BORN INJURY LAWYERS and design U.S. Registration Number 4604101 ("CITED MARK"). In the registration, the CITED MARK is described as follows: "[t]he mark consists of a silver and gold ram head, which can also be seen as a silver ram head colliding with a gold ram head, with silver "BATTLE" and gold "BORN" immediately below the ram(s); the wording "INJURY LAWYERS" appears in grey below the larger wording "BATTLE BORN"; the entirety of the mark appears on a black background, which is not mark of the mark."
2. A quotation from [www.collinsdictionary.com/dictionary/english/ip](http://www.collinsdictionary.com/dictionary/english/ip) showing that the letters "IP" has two potential meanings: intellectual property or internet protocol.

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